

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Nos. 06-5008 & 06-5009

IN RE: LUCENT DEATH BENEFITS ERISA LITIGATION

EDWARD FOSS; SARAH CONDER;
ARTHUR J. BERENDT; ROBERT B. HOWARD,

Appellants (No. 06-5008)

HELEN P. LUCAS, as surviving spouse of Vincent R.
Lucas,

Appellant (No. 06-5009)

Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action Nos. 03-cv-05017/04-cv-01099/00640)
District Judges: Honorable Dennis M. Cavanaugh

Argued April 16, 2008

Before: AMBRO, FISHER, and MICHEL,¹ Circuit Judges

JUDGMENT

These causes came on to be heard on the record before the United States District Court for the District of New Jersey and was argued April 16, 2008.

¹Honorable Paul R. Michel, Chief Judge, United States Court of Appeals for the Federal Circuit, sitting by designation.

On consideration whereof, IT IS ORDERED AND ADJUDGED by this Court that the judgment of the District Court dated November 27, 2006 is hereby affirmed. We also deny as moot the motion of Helen Lucas to substitute herself for her deceased husband in this case. Costs taxed against Appellants. All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron
Clerk

DATED: August 28, 2008